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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,078	10/29/2003	Craig John Simonds	201-1110	5929

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EXAMINER

TRAN, DALENA

ART UNIT PAPER NUMBER

3661

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/696,078

Applicant(s)

SIMONDS ET AL.

Examiner

Dalena Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/22/03, 1/15/04, 12/10/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Notice to Applicant(s)**

1. This application has been examined. Claims 1-16 are pending.
2. The prior art submitted on 12/22/03, 1/15/04, and 12/10/04 have been considered.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis (6,182,010), in view of Lee et al. (6,374,177).

As per claim 1, Berstis discloses a system for providing environmental context information for use with onboard vehicle devices, system comprising: an input for accessing and receiving context information (see at least column 3, lines 30-47), an interface for communicating a data storage device with a plurality of onboard vehicle devices (see at least column 3, lines 48-58), and an agent for downloading environmental context information to one or more of the vehicle devices (see at least columns 4-5, lines 47-2). Berstis does not disclose identifying context information. However, Lee et al. disclose an identifier for identifying context information related to the environment as environmental context information, and a data storage device having memory for storing the identified environmental context information (see at least column 7, lines 49-64; and column 14, lines 1-59). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Berstis by

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combining identifying context information for accurately providing the user input information to an onboard vehicle.

Also, as per claim 2, Lee et al. disclose the stored environmental context information comprises an address pointer that indicate the source of the environmental context information (see at least columns 8-9, lines 25-45; and columns 11-12, lines 35-9).

As per claim 3, Berstis discloses the input receives the environmental context information from at least one of an off board service provider and a vehicle centric system (see at least column 4, lines 22-46).

As per claim 4, Berstis discloses the interface comprises a wireless interface (see at least column 5, lines 44-52).

As per claim 5, Berstis discloses the plurality of vehicle devices comprises a vehicle control module and a navigation device (see at least columns 4-5, lines 47-42).

As per claim 6, Berstis does not disclose weather information. However, Lee et al. disclose the environmental context information comprises weather information (see at least column 12, lines 10-19). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Berstis by combining the environmental context information comprises weather information for assisting a driver planning a travel plan in a navigation system.

As per claim 7, Berstis discloses the environmental context information comprises vehicle travel condition information (see at least column 2, lines 12-43; and columns 5-6, lines 53-14).

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As per claim 8, Berstis discloses the data storage device is portable (see at least column 3, lines 30-47).

Claims 9-11, are method claims corresponding to system claims 1-3 above. Therefore, they are rejected for the same rationales set forth as above.

Claims 12-14, are method claims corresponding to system claims 5-7 above. Therefore, they are rejected for the same rationales set forth as above.

Claims 15, and 16, are method claims corresponding to system claims 4, and 8 above. Therefore, they are rejected for the same rationales set forth as above.

### **Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

. Dussell et al. (6,266,612)

. Russell (6,505,121)

. Drury et al. (6,707,421)

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 703-308-8223. The examiner can normally be reached on M-F (7:30 AM-5:30 PM), off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 703-305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner  
Dalena Tran

  
January 21, 2005